

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Dustin Lonnie Marshal,

Plaintiff,

v.

Gregory Wayne Abbott; Warren Kenneth
Paxton; Daniel Hodge; Mark Rusch; Lynne
Finley; Andrea Thompson; Collin County
401st District Court; Collin County Sheriff's
Office; Texas Department of Public Safety;
City of McKinney, Texas; Asad Rahman;
Tristin T. Harper; Stephen C. Strickler;
Arthur Skibell; Kari Bohach; Ryan Bauerle;
Kristin Brady; and Skibell, Bohach & Archer
P.C.,

Defendants.

Civil Action No. 2:21-201-BHH

OPINION AND ORDER

This matter is before the Court for review of the Report and Recommendation ("Report") of United States Magistrate Judge Mary Gordon Baker, which was made in accordance with 28 U.S.C. §636(b) and Local Rule 73.02(B)(2) for the District of South Carolina. On April 28, 2021, the Magistrate Judge issued her Report recommending that this case be transferred, rather than summarily dismissed, to the United States District Court for the Eastern District of Texas so the proper district may evaluate Plaintiff's claims. (ECF No. 19.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with

instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Plaintiff filed no objections and the time for doing so has expired. (See ECF No. 19.) In the absence of objections to the Magistrate Judge's Report, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that this case be transferred to the United States District Court for the Eastern District of Texas so the proper district may evaluate Plaintiff's claims.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

May 19, 2021
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.